

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

17 Plaintiff is a civil detainee housed at the Special Commitment Center on McNeil  
18 Island. On May 24, 2006, while held at the King County Correctional Facility, plaintiff filed  
19 an application to proceed in forma pauperis (“IFP”) together with a 42 U.S.C. § 1983 civil  
20 rights complaint. Dkt. No. 1. Because plaintiff has a bar order entered against him, the  
21 matter was referred to the Chief Judge for review. Dkt. No. 2. After the Chief Judge allowed  
22 the matter proceed, the Clerk informed plaintiff that he had not completed the proper IFP  
23 form and that a copy of plaintiff’s prison trust account was not provided. Dkt. Nos. 2, 3.  
24 This matter comes before the Court upon plaintiff’s motion to sanction the Clerk. Dkt. No. 6.  
25 Plaintiff appears to argue that he does not need to complete a prisoner IFP form because he is  
26 a civil detainee, not a prisoner. *Id.* By separate request, plaintiff also requests summonses  
and a copy of his complaint, so that he may effectuate service himself. Dkt. No. 7. Having

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01 carefully reviewed the motion and balance of the record, the Court ORDERS as follows:

**A. Motion to Sanction Clerk.**

03 Plaintiff's motion to sanction the Clerk (Dkt. No. 6) is DENIED. Plaintiff's motion is  
04 wholly without merit. The Clerk reasonably believed plaintiff was an inmate, likely because  
05 he was housed at the King County Jail at the time the complaint and IFP were originally filed.  
06 The Clerk's action was therefore an inadvertent error.

## B. IFP Application.

8 Plaintiff is reminded that his bar order requires him to fully disclose all financial  
9 information requested by the Court in connection with any IFP. Case No. 04-5521-FDB,  
10 Dkt. No. 80. In this case, plaintiff must complete the proper IFP form or pay the required  
11 fee. The Clerk is directed to send plaintiff an IFP form for pro se non-prisoner litigants.  
12 Plaintiff must fully and accurately complete the form, but will not be required to provide  
13 copies of his accounts, unless otherwise directed by the Court. Plaintiff shall have until  
14 **August 16, 2006**, to submit the completed IFP. Failure to do so may result in dismissal of  
15 this action.

C. Request For Copy of Complaint to Enable Service.

17 Plaintiff has requested summonses and a copy of his complaint in this matter, so that  
18 he can effect service on defendants. Dkt. No. 7. The Court cannot issue a summons and  
19 commence an action until plaintiff first pays the filing fee or is granted IFP status. *See* Fed.  
20 R. Civ. P. 3 and 4. The Clerk, however, is directed to send a copy of plaintiff's complaint to  
21 him at his address of record. The Clerk is further directed to send a copy of this order to  
22 plaintiff and to the Honorable Thomas S. Zilly.

DATED this 17th day of July, 2006.

James P. Donohue  
JAMES P. DONOHUE  
United States Magistrate Judge